

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

GEORGE KING, JR.

PETITIONER

v.

No. 1:17CV112-SA-JMV

EARNEST LEE, ET AL.

RESPONDENTS

ORDER DENYING PETITIONER'S MOTION
TO ALTER OR AMEND JUDGMENT

This matter comes before the court on the petitioner's motion for reconsideration of the court's April 9, 2018, memorandum opinion and final judgment dismissing the instant petition for failure to state a claim upon which relief could be granted. The court interprets the present motion, using the liberal standard for *pro se* litigants set forth in *Haines v. Kerner*, 404 U.S. 519 (1972), as a motion to amend judgment under FED. R. CIV. P. 59(e). An order granting relief under Rule 59(e) is appropriate when: (1) there has been an intervening change in the controlling law, (2) where the movant presents newly discovered evidence that was previously unavailable, or (3) to correct a manifest error of law or fact. *Schiller v. Physicians Res. Grp. Inc.*, 342 F.3d 563, 567 (5th Cir. 2003). Mr. King merely restates the arguments presented in his petition; as such, he has neither asserted nor proven any of the justifications to amend a judgment under FED. R. CIV. P. 59(e). Hence, the petitioner's request to alter or amend judgment is DENIED.

SO ORDERED, this, the 18th day of May, 2018.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE